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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,650	04/24/2001	Kurt Bozenmayer	P-6077	6434

7590

05/29/2003

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EXAMINER

LITHGOW, THOMAS M

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/841,650

Applicant(s)

BOZENMAYER, KURT

Examiner

Thomas M. Lithgow

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tietz (US 3218785). Tietz includes a filter housing in which housing section 12 is coupled to housing section 14 via a coupling. The top housing 12 defines a polymeric female portion of the housing which broad claims 19-21 read upon. Applicant asserts that Tietz does not have a “coupling”, and further asserts that a coupling as defined by the specification and as known to one of ordinary skill in the art refers to a piece or structure that couples things together such as a tube or a pipe. Clearly the two housing portion are coupled together and as such meet applicant's definition. In regard to claim 21, the land of Tietz shown in fig. 4 is capable of receiving a male metal coupling and the claims 19 and 21 require nothing more. The claim 19 language “for receiving...” is intended

use and the claim 21 language recites the combination of the female coupling and the filter, but the language regarding the projection is only linked by the intended use phrase of claim 19. Also the preamble phrase of "for fuels or radioactive liquids" is intended use.

3. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Terhune (US 5045192). As applicant has indicated, Terhune discloses a plastic adapter which acts as a female coupling. Claim 19 does not recite a combination of the male and female coupling. As such the "metal" limitation in this claim does not carry any weight of patentability per se.

4. Claims 19-21, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Mansfield (US 3760951). Mansfield discloses a male-female coupling between a filter unit and a conduit. As is established in the specification (fig. 5A-5D), a "pin" – as disclosed by Mansfield (see pin 40)- does not equal a "tab". Claim 19 recites a "female coupling" which is part of the Mansfield filter housing 19. Claim 26 merely recites a method of installing a filter where there is a male metal coupling. Contrary to applicant's characterization of Mansfield's bushing 18 as " a plastic sleeve with only metal pins", it is clearly stated at col. 3, lines 5-7 that the sleeve

may be made of metal. Claim 26 is the inherent method of installing a bayonet mounted filter as Mansfield.

5. Claims 1-7,13-14, 19-21 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Fields (US 4495072). Fields discloses a filter unit being mounted to tubular member 26 which includes a handle allowing the filter and cover (and tubular member) to be removed as a single unit. The filter includes a bayonet coupling which as disclosed at col. 2, lines 67+ may include stainless steel. Further the conduit (aka filter housing 12) can be made of among other things polymeric material (col. 2, lines 46-47).

6. Claims 13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oetiker (US 3858910). Oetiker discloses a bayonet coupling in which the parts may be made of alloyed steel or synthetic plastic (col. 2, lines 15-20).

7. Claims 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Addison (US 196104). Addison discloses a coupling with a male tabs joined to a female slot in bayonet type fashion.

8. Claims 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 04-302797. Japan '797 discloses a conduit coupling in which at least the member 5 is made of plastics.
9. Claims 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 22 and 29-30 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 703-308-0173. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 703-308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for regular communications and 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Art Unit: 1724

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Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

TML  
May 27, 2003